

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  EXCHANGE OF TRANSIT TRAFFIC	DOCKET NO. SPU-00-7 (DRU-00-2)
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**ORDER REVISING PROCEDURAL SCHEDULE**

(Issued August 18, 2000)

On May 19, 2000, Qwest Corporation, f/k/a U S WEST Communications, Inc. (Qwest), filed a petition for declaratory order regarding the exchange of local traffic by wireless and other local calling entities transiting Qwest's facilities. Qwest's petition identified as Docket No. DRU-00-2 alleged that the originating and terminating companies must reach their own agreements as to the terms and technical conditions for the exchange of local traffic, even though U S WEST facilities are used for transit traffic.<sup>1</sup>

The Board issued an order refusing to issue a declaratory order in Docket No. DRU-00-2 pursuant to Iowa Code § 17A.9(5) and 199 IAC 4.9(1)"5," "6," and "9." The matter addressed by U S WEST in its petition was much broader than a simple matter of determining the applicability of a statute, rule, or order.

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<sup>1</sup> U S WEST offers services that allow transport of local traffic which originates with a carrier other than U S WEST to be terminated to a carrier other than U S WEST by using U S WEST's facilities for a portion of the route. This transport is often referred to as "transit traffic."

The Board docketed the matter as Docket No. SPU-00-7, to allow an opportunity for discovery, and to develop a full and complete record as it applies to the entire telecommunications industry.

The Board ordered a technical workshop be convened prior to the filing of any testimony to allow the parties to work toward a common understanding of the issues and questions to be addressed. All parties were directed to submit a list of technical issues perceived to be pertinent to a discussion of the exchange of transit traffic and related compensation issues.

The technical workshop was held on August 7, 2000. At the termination of the technical workshop, several parties requested a 30-day extension to the current procedural schedule. Qwest would prefer that no delay in this proceeding be granted, indicating at the technical workshop, "we've asked the Board to declare what the rules are, and if we can get those questions answered first,"<sup>2</sup> then negotiations and discussions can take place after that. This position is inconsistent with the Board's decision to terminate Docket No. DRU-00-2.

The Board has been notified that a meeting has been scheduled, to continue the discussion of the exchange of transit traffic, between the members of the Iowa Telecommunications Association's Compensation and Tariff Committees and representatives of the Wireless providers, for Thursday, August 24, 2000.

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<sup>2</sup> Transcript of technical workshop, p. 126.

The Board finds it reasonable to grant an extension of the current schedule for a period of 30 days to enable the parties to discuss the issues and possible solutions in advance of filing written testimony and taking oral testimony at a hearing.

**IT IS THEREFORE ORDERED:**

Ordering paragraph 5 of the Board's June 23, 2000 "Order Docketing Proceeding And Establishing Procedural Schedule" is amended as follows:

- c. All parties shall file prepared direct testimony, with supporting exhibits and workpapers, on or before October 2, 2000.
- d. All parties shall file any prepared responsive testimony, with supporting exhibits and workpapers, on or before October 30, 2000.
- e. A hearing for the purpose of receiving testimony and cross-examination of all testimony will commence at 10 a.m. on November 28, 2000, in the Board's hearing room at 350 Maple Street, Des Moines, Iowa. Parties shall appear at the hearing one-half hour prior to the time of hearing to mark exhibits. Persons with disabilities requiring assistive services or devices to observe or participate should contact the Board at 515-281-5256 to request that appropriate arrangements be made.
- f. Any party desiring to file an initial brief may do so on or before December 12, 2000.

g. Any party desiring to file a reply brief, responding to the arguments raised in any other party's initial brief may do so on or before December 22, 2000.

**UTILITIES BOARD**

/s/ Allan T. Thoms

/s/ Susan J. Frye

ATTEST:

/s/ Raymond K. Vawter, Jr.  
Executive Secretary

/s/ Diane Munns

Dated at Des Moines, Iowa, this 18<sup>th</sup> day of August, 2000.